

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

Civil Action No. 04-11783 (RWZ)

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**DECLARATION OF MICHAEL E. ZELIGER IN SUPPORT OF CYTOLOGIX  
CORPORATION'S MOTION FOR RECONSIDERATION AND TO AMEND  
JUDGMENT**

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I, Michael E. Zeliger, am an attorney at Kirkpatrick & Lockhart Preston Gates Ellis LLP, counsel for the Plaintiff, CytoLogix Corporation ("CytoLogix"). Under penalty of perjury, I declare the following to be true to the best of my knowledge, information, and belief:

1. Attached as Ex. A is a true and correct copy of a precedential slip opinion downloaded from the Federal Circuit Website captioned *IpVenture, Inc. v. Prostar Computer, Inc.* No. 2006-1012,-1081, slip op. (Fed.Cir. Sept 28, 2007).
2. Attached as Ex. B is a true and correct copy of a letter from Dako Denmark A/S to CytoLogix dated 4 September 2007. **[UNDER SEAL]**
3. Attached as Ex. C is a true and correct copy of a letter from Dako Denmark A/S to CytoLogix dated 9 October 2007. **[UNDER SEAL]**

Dated: October 31, 2007

/s/ Michael E. Zeliger

**CERTIFICATE OF SERVICE**

I hereby certify that I caused the redacted version of the foregoing declaration and exhibits to be served electronically on counsel of record by filing it with the CM/ECF system. I further certify that on this 31 day of October, 2007, I caused a copy of the unredacted version to be served, by first class mail, postage prepaid, on Defendant's counsel as follows:

Roger J. Chin  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
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Palo Alto, CA 94304  
(650) 493-9300

/s/ Jackson Ho